

APPROVED: Meeting No. 41-87

ATTEST: *Helen M. King*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 25-87

May 18, 1987

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson, Rockville, Maryland, on Monday, May 18, 1987, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams
(Out of Town on Business)

Councilman James Coyle

Councilman Douglas Duncan
(Out of Town on Business)

Councilman Peter Hartogensis

In attendance: City Manager Richard V. Robinson; City Clerk Carol A. Kachadoorian; City Attorney Paul Glasgow.

Re: Invocation

The Invocation was provided by Delegate Michael Gordon.

Re: City Manager's Report

City Manager Robinson reported the following:

1. The outdoor pool at the Rockville Municipal Swim Center opened for the season on May 16, 1987.
2. The footers for the new slide at the Swim Center have been poured and it is expected that the installation of the slide will be completed by June 1, 1987.
3. The Art in Public Places program has placed eight pieces of sculpture at the Civic Center for the summer. In response to a question from Councilman Coyle, City Manager Robinson noted that a reception for the artists and the community is being planned for June.

Re: Mayor's Report

Mayor Van Grack reported the following:

1. City staff worked with the Montgomery County Road Runner Club to bring the National Road Runners Association Convention to the City this past weekend. The Fritzbe's 10K Run was a part of the conference. The Mayor expressed thanks to staff for their efforts for the weekends activities.

2. The Mayor expressed thanks to staff for their efforts on both the Richard Montgomery and Falls Mead Cluster Fair and the Falls Mead picnic held this past weekend.

3. The Mayor announced that he has been asked to attend an annual Foreign Policy Conference on June 11 and 12, held by the Young Political Leaders. He stated that he plans to attend the conference. Councilman Coyle noted that on June 2, 1987, from 4:00 to 9:00 p.m., the winners for the neighborhood sites of the Art in Public Places program will be announced. In addition, Councilman Coyle also expressed thanks to staff for the excellent job they did with respect to the Richard Montgomery Cluster Fair and the Falls Mead picnic.

Re: Appearance of
Delegation from
Annapolis.

Senator Frank Shore and Delegates Forehand, Boergers and Gordon briefed the Mayor and Council on the past legislative session. Items that were discussed include the new Maryland State Police barracks in Rockville (barricks N), the five cent gasoline tax increase, the efforts to present up to eight pieces of legislation on annexations from being passes as they would limit the ability of municipalities to control development and the establishment of a senior citizens daycare center at Shady Grove Hospital. Delegates Forehand, Boergers and Gordon presented to the Mayor and Council a proclamation noting the accomplishments of the City's Historic Resource Management Plan. Sue Valasquez from the Historic Distric

Commission was present to acknowledge the proclamation. Councilman Hartogensis asked the delegation for help in the upcoming session with the hotel/motel tax bill. Mayor Van Grack concluded the report from the delegation by stating that the district is fortunate to have such knowledgeable, skilled and responsive representatives serving the residents of district 17.

Re: Citizen's Forum

1. Mike Gewirtz, 1520 Columbia Avenue, expressed his thanks to the Mayor and Council for Rockville Day. In addition, Mr. Gewirtz suggested ways to draw people to the Town Center area as Governor Schaefer had suggested during his recent visit. Mr. Gewirtz suggested that the City stage a family oriented event near the tennis court, perhaps on July 4th or Labor Day. Councilman Hartogensis thanks Mr. Gewirtz for his ideas and reminded those present that the Memorial Day Parade is in Town Center. Councilman Hartogensis suggested that perhaps additional events can be planned for that day after the parade.

2. Richard Arkin, 525 Lynch Street reported on the follow up work from the State Commission on Condominiums Cooperatives and Homeowners Associations, stating that a law had recently been signed into effect relating to Homeowners Associations. He stated that this law concludes ten years work by the commission and that the three dozen bills passed during this time provide protection for residents of condominiums, cooperatives and homeowners that are models for the rest of the nation. Councilman Coyle asked for copies of the report that Mr. Arkin had on the commission.

3. Delegate Jennie Forehand, 712 Smallwood Road, suggested having a Rockville Day on the MARC train to Baltimore to see some of the things in Baltimore that have been paid for with State tax dollars.

4. Peg Sanders, 541 Beall Avenue, addressed the Mayor and Council regarding the request for O-3 zoning for the house at 110 Beall Avenue. Ms. Sanders stat

that she feels that the map amendment application for this property is a threat to the neighborhood and stated that she would be present at the next meeting to testify at the public hearing.

Re: Consent Agenda

On motion of Councilman Hartogensis, duly seconded, the following items were passed unanimously as part of the consent agenda.

Re: Approval of SWM Waiver
#16-87, Cambridge
Cluster Subdivision,
Martin Lane at Ivy
League Lane, RTH-6A-87.

This 1.7 acre parcel of land is located on Martins Lane near Ivy League Way in the Rock Creek drainage area. The developer plans to build townhouses on this site, which is presently vacant.

The construction of the townhouses and related improvements will result in 1.12 acres of impervious area. Although on-site SWM could be accomplished, it would require the construction of an underground facility in close proximity to some of the townhouses. In most instances on-site SWM for residential communities is discouraged if a regional SWM facility can handle the increased flows. When on-site SWM facilities are constructed for residential developments, the City has often in the past, assumed ownership and maintenance responsibilities. Since a regional facility currently under design will be able to control the increased runoff from this site, a waiver is recommended.

The runoff from the site will be conveyed by an on-site storm drainage system to the public storm drain system in Martins Lane. The runoff is then conveyed by enclosed storm drains to a tributary of Rock Creek in Maryvale Park. The proposed Maryvale SWM facility currently under design can provide compensating storage for the increased run from this site.

It is recommended that a waiver be granted and that a contribution of \$22,400 (1.12 impervious acres at \$20,000 per acre) be accepted for the City off-site SWM program.

Re: Approval of SWM Waiver
#17-87, 806 Rockville
Pike

This site which is located along the east side of Rockville Pike approximately 100 feet north of First Street is in the Cabin John Drainage area. The site is currently a gas station containing a total of 0.51 acres of which approximately 0.41 acres will be impervious. The developer plans to construct a Jiffy Lube Service Center.

After considering on-site SWM methods they were determined to be impractical. Existing underground storage tanks are going to be removed and backfilled with select fill. Infiltration devices are not feasible in this situation. On-site detention methods cannot be used due to the limited site area.

The runoff from this site is conveyed by an existing storm drainage system across Rockville Pike to a tributary of Cabin John Creek. The runoff will be controlled downstream at the existing Dawson Farm SWM facility.

It is recommended that a waiver be granted and that a contribution of \$8,200 (0.41 acres at \$20,000) be accepted toward the City's off-site SWM program.

Re: Approval of SWM Waiver
#18-87, for Lenz Supply
Corporation Parking
Addition, 627 Southlawn
Lane, U-375-86

This approximately 0.9 acre parcel of land is located in the Rock Creek drainage area. The property is currently improved by an existing building and parking lot. The applicant proposed to expand the parking area.

On-site methods of SWM were considered for the additional 0.30 impervious acres proposed. The geotechnical report indicates that the soils on the site are

not suitable for infiltration. Due to the lack of storm drains in the area of this site, design of a positive outfall for detention systems would be very difficult. Therefore, on-site detention methods are not practical.

Runoff from this site enters a swale along Southlawn Lane and is conveyed approximately 400 feet to an enclosed storm drain system. The runoff is then conveyed by the storm drain system to the Dover Road SWM facility. The Dover Road SWM facility can provide both storage and water quality for the additional runoff.

It is recommended that a waiver be granted and that a contribution of \$6,000 (0.30 impervious acrea at \$20,000 per acre) be accepted for the City's off-site SWM program.

Re: Authorization for City
Manager to sign City-
County Memorandum of
Understanding for
Emergency Management

Mayor and Council unanimously agreed to give authorization to the City Manager to sign City-County memorandum of Understanding for Emergency Management.

Re: Introduction of
Ordinance to amend
Section 3-2.07 of the
"Laws of Rockville" so
as to replace the
Director of Finance
with the Personnel
Officer as the
Executive Secretary to
the City's Retirement
and Disability Board

On a motion from Councilman Hartogensis, there was introduced upon the table an ordinance to amend Section 3-2.07 of the "Laws of Rockville" as to replace the Director of Finance with the Personnel Officer as the Executive Secretary to the City's Retirement and Disability Board, said ordinance to lay over at least one week before final action is taken.

Re: Authorization of funding from "Targets of Opportunity" for the Municipal Swim Center's Outdoor Pool Renovation Project.

On motion of Councilman Hartogensis, duly seconded, the approval was given by unanimous vote to provide funding from the "Targets of Opportunity" for the Swim Center renovation project. It was noted that Councilman Abrams and Councilman Duncan had asked that their vote be recorded in support of this motion in their absence.

Re: Discussion on the negotiations with Eisinger-Kilbane regarding leasing of the Middle Lane parking lot.

Councilman Coyle stated his support for the objective of the parking lot agreement, however, he asked that staff open negotiations with Eisinger-Kilbane to see if an increase can be gained in the percent of gross receipts that the City will receive under terms of the agreement.

Councilman Hartogensis asked how riders of the Metro system will prove that they are riders in order to be eligible to park in the lot. Doug Horne, Director of Community Development, stated that it is the responsibility of Eisinger-Kilbane to determine those riders in order to allow them park.

City Manager Richard Robinson added that the burden of proof is on the person desiring to park in the lot. For example, a letter from an employer might suffice as evidence.

In response to a question from Councilman Hartogensis, Mr. Horne noted that parking rates at the Town Center garage are higher than those proposed for the parking lot. Mr. Horne stated that this lot is intended for those who arrive early in the area and intend to ride Metro to their place of employment.

Councilman Hartogensis concluded that he is sad to see free parking disappear in Rockville.

Mayor Van Grack expressed concern over the potential loss of 120 parking spaces. However, City Manager Robinson noted that there is sufficient parking space in the garage and that the loss of the 120 spaces is only the loss of free parking.

On a motion from Councilman Coyle, duly seconded, the agreement was adopted unanimously with instructions to staff to try to negotiated for a more favorable share of the gross receipts for the City.

RE: FYI/Correspondence

1. Councilman Coyle thanked staff for their work on establishing an additional room for the KAT program at Fallsmead Elementary. Mayor Van Grack concurred in these thanks and also expressed appreciation to the faculty at the school for making the additional space available.

2. Councilman Coyle asked the City Manager to have staff follow up with residents on Eaton Overlook and Burlington Fair near Wootton High School, in that it his understanding that the residents on these streets would like a combination of parking restriction signs along with the modified parking permit program. City Manager Robinson stated that staff will review the potential for such a program with the neighbors.

Re: Other Business

City Manager Richard Robinson noted that a portion of a new building being constructed on Piccard Drive collapsed. Mr. Robinson stated that it was an outside walkway of the building that collapsed, no-one was injured and the matter is under investigation. Information will be provided to the Mayor and Council on the collapse as it is available.

Re: Adjournment

There being no further business to come before the Mayor and Council in general session, the meeting was adjourned at 9:30 p.m. to convene again on Wednesday, May 20, 1987 at 7:30 p.m. or at the call of the Mayor.